HONOURABLE SRI JUSTICE A.GOPAL REDDY

W.P.No.20514 OF 2000

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_DATED:18-07-2007

BETWEEN:

Thondapu Radhakrishna Murthy
& others

PETITIONERS

AND

The District Collector, Krishna District,
Machilipatnam & others

RESPONDENTS.

HONOURABLE SRI JUSTICE A.GOPAL REDDY

W.P.No.20514 OF 2000

ORAL ORDER

Villagers of Lingala Village, Vatsavai Mandal, Krishna District filed this writ petition seeking a writ of mandamus restraining the respondents in allowing the sand quarrying of Muneyeru river bed at Lingala and Singavaram villages in Sy.No.174/5.

The main grievance of the writ petitioners appears to be that A.P. State Irrigation Development Corporation, Sub-Division, Jaggaiahpet, Krishna District had evolved a scheme by investing huge amounts for lift irrigation to provide water for cultivating the lands at Lingala Village for long term and short term crops having an ayacut of Ac.288 and Ac.144 by constructing a big well at North-Western side of Munneru river at Lingala villager. Out of the said scheme, nearly 100 farmers are benefited and if the sand quarrying is allowed near the well, which is provided for lift irrigation purpose, it will cause ecological

imbalance and there is every possibility of drying of the bore-wells which are being used for cultivation and thereby immense loss would be caused to the ayacut farmers.

This Court while admitting the writ petition, passed interim orders making it clear that if any quarrying of sand is done within the reach of villages of Lingala and Singavaram, that shall be conducted 500 meters away from the works of the lift irrigation scheme in both the villages.

Now, the learned Government Pleader submits that by virtue of issuing G.O.Ms.No.84, Industries & Commerce (M1), dated 10.4.2007, the Government amended the Rules to the Andhra Pradesh Minor Mineral Concession Rules, 1966 and under Rule 9-B & 9-X, the District Level Committee shall be the Competent Authority to decide the issues on the proposal of Director of Mines & Geology to lease out the sand quarry and to identify the reaches. In view of the amendment to the Rules, the District Level Committee, before reserving a particular area for the purpose of sand quarry, will have to take into consideration of the ecological imbalance, which will be caused out of the sand quarrying and the said sand quarrying shall not affect the protective water schemes and other irrigation schemes.

Having regard to the said Rules, whenever any particular area is reserved for the purpose of sand quarrying or notified for the said purpose, within the vicinity of the area notified for lift irrigation scheme, it is always open to the petitioners to move the District Level Committee restraining the authorities from issuing the sand quarrying operations within the vicinity of the lift irrigation scheme.

The writ petition, with the above observations, is disposed of. No costs.

July 18, 2007 A.GOPAL REDDY, J.

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